

NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 11, 2009

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Pane
Commissioner Schatz
Commissioner Camerota
Commissioner Niro

Commissioners Absent

Commissioner Kornichuk
Commissioner Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Niro was seated for Commissioner Kornichuk and Commissioner Camerota seated for Commissioner Pruett.

II. PUBLIC HEARINGS

- A. PETITION 01-09 – Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 74-06 Special Exception, approved April 25, 2007, for single family age restrictive homes, fifty-five or over. Section 3.19.2 PD Zone District.**

Chairman Hall: Ed, as far as the public hearing this evening, do you have some information?

Ed Meehan: I'll report to the Commission that the, James Cassidy the project engineer has a prior engagement, he can not be here this evening, so he has asked that this be continued until your next meeting which is February 25th, and I would recommend that you keep the public hearing open until that time to give anybody who wants to come and speak the benefit of that and also have Mr. Cassidy wrap up his presentation. One item that he has not been able to submit yet, which is an important part of his application, is the draft homeowner's association documents and the age restriction requirements for active adult community, and he is having his attorney prepare those. Also, we are waiting for the Inland Wetlands Commission to have their meeting, which will be next week. Those are your reasons to keep it open.

Chairman Hall: All right, we'll do that. In the meantime, because we do have some public, I won't take the chance that you are not here to speak, so if there is anyone who wants to speak, knowing that the applicant is not here, but anyone who wants to speak in favor of this petition, even though the applicant is not here, anyone wishing to speak in opposition, anyone wishing to speak? Seeing none, we will continue this to February 25th.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

February 4, 2009 – Special Meeting 6:30 p.m.

February 4, 2009 – Special Meeting 7:00 p.m.

Chairman Hall: Minutes are going to be with the next packet, so we will not be dealing with those this evening.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I have one communication, and it's on the table before Commission members. Up in the right hand corner it's notated with the words "with Hunter's Attorney changes." This is for the settlement agreement that was discussed with Mr. Mike Friesbie who is the principal of Hunter Development a couple of meetings back. His attorney provided the Commission with proposed amendments to the settlement agreement and what you have in front of you is a February 4th staff report which I reviewed with the Commission at your last meeting and suggested some changes to Hunter's project as far as the stipulated agreement, tightening up the agreement, making clear what is going to be done in each phase, and trying to get more of the development completed. The only response that Mr. Friesbie has gotten back is on the last page where he would request, and he made this verbally and it shows on this, he would request that in phase three, which is the hotel, that he not be required to build the retention area four, which is the storm water retention area for that two acre portion of the site, and then he is also asking that Item C be deleted, which is requirements for erosion control measures and stabilization of the site in it's rough graded condition. I certainly would not support not having some erosion control measures in any part of the site that has been disturbed, just to prevent problems. There is run-off now from the site to the back of Jensen Machine, we observed that on a couple of site walks. That would be something that probably should be coordinated with the Town Engineer. But the big question here I think is, I need your guidance on this is, are you interested in reconsidering the settlement agreement? The re-ordering that Hunter Development has suggested, and do you want to move this forward? You are under no obligation to change the settlement agreement, you are under no time restrictions to change it. It's a matter of what the Commission wants to do from a land use point of view. This is a fully approved project, both at your level, Inland Wetlands and through the Superior Court. He is working as best he can with the Department of Transportation State Traffic Commission to come to an agreement on the particular off-site improvements. We talked about those. He is also in conversation with a party that is interested in the adjacent property, the twenty-eight acres to the west. There is no agreement between those two developers as to exactly who would do what as far as cost sharing or the issue of the road and a traffic signal serving both sites, but they are in communication, so I think, I would recommend that you share this with your attorney if you do want to move this forward, the Town Attorney, I believe it would have to go back to court, and for the court to know that the developer and the town Planning and Zoning Commission are in agreement to amend the stipulations. If you don't feel that you want to amend it, or you want to tighten them up further, then I think it's

something that I think you should discuss more before you bring it over to the Town Attorney. I wouldn't have him spend a lot of time on this if you don't think it should come off of your table yet. So that's where you are on this, you could take some more time and look at it, consider it, or modify it as you see fit, or send it over to Ben Ancona.

Chairman Hall: The last time we heard in discussion Mr. Friesbie was here, we talked a little bit about it, and I would like to hear some of your feelings as to what you think about the whole project, changing it, the way he was requesting it to be changed, what you think the future of that site is going to be, timing, all of those things.

Commissioner Schatz: I'll start it off. When they first came in, you know, I wanted to see the project go forward and so on, and the more that I have been reading and going over some of the original agreements, I have a bad feeling. I, now this is just me, I feel that whether we amend it, or don't amend it, the results could be the same. I'm not sure where the Hunter Company is coming from at this point in time. Me, if I had to make a decision tonight, I would say leave it the way that it is, and let him work it out.

Chairman Hall: Other comments?

Commissioner Casasanta: I agree with Bob in the sense that either leave the agreement the way that it was, with the court, or, Ed had come up with kind of like an alternate recommendation, which I kind of liked, to be honest with you, because what it does, is that it puts the gas station back into phase three, at least the occupancy of the gas station back into phase three. Whereas, I think he wanted it moved into phase one, have the gas station and the shops, I believe it was and then go forward with the bank and the restaurant. Especially in today's day and age, I don't know what bank is going to bite at any pad site, regardless of its location, so I think that is going to be pretty much null and void at least for the short term. As far as the hotel, that is a huge question mark. One of the questions that I had even with respect to the restaurant, I'm not familiar exactly with the type of hotel that is planned on being built there, but I know a lot of hotels have a restaurant, so if the hotel has a restaurant, how is that going to impact the restaurant that the guy wants to build? There's just too many unanswered questions in my mind to agree to amend it the way that the gentleman wanted it amended, so I would say no, to that part at least. Maybe keep it open for further negotiation, further discussion, but definitely not approve what he wanted anyway.

Commissioner Camerota: I guess I agree with Mike that I wouldn't agree with their original proposal to, all of the changes that they want and to really just kind of do one part of the project and leave the other two sitting there. I think the prior Commission really worked hard on making sure that that area was going to look nice and it wasn't going to be something that was partly built and then left there, and I think that, I wouldn't definitely want to reject that they proposed, I wouldn't be opposed to trying to reach some other agreement, but I agree, I think Bob's right, we may end up with, either way, with the same thing, an empty site that's not really attractive or useful.

Commissioner Ganley: Ed, just, the situation with the abutting property owner, the last time this thing was before us the property owner had something different, but he was going to run the driveway off of the developer's, remember, he was going to go in, maybe I don't know, maybe seventy or eighty feet, and then hook a left and start going up the hill, and anyway, that whole thing kind of fell apart. That actually is part of the equation, access property, because we are really talking about two pieces of property, two separate pieces with one particular access. They have to get together just a little bit, I don't want to find ourselves boxed in by approving a site plan and then the abutting property owner comes in and says, we want to do these kind of things, and it complicates what we have been trying to accomplish here. I really would like to see the two of

them coordinate in some fashion as to how the abutting property owner is going to get access from the primary developer to the east. That's what I am looking at.

Ed Meehan: Well, those concept plans are fully recognized in the site plan which the Commission approved for Hunter Development. There is a provision for the 28 acres to the west, to as you said, hook into that site and to convert the front part of this road into a full town road, built to town standards, and the traffic signal would be located and designed as approved by the State Traffic Commission. The sequence of when that happens is a big question mark. We know that the piece next door is under investigation by a developer who may be coming to the Commission for a zone change to do town houses. He may, he recognizes, that given the topography of that stretch of East Cedar Street, the area for a placement of a road is very limited because of the sight lines, and that he is going to have to get together with Hunter Development. They could be playing a little cat and mouse game as to who goes first with this, because the first one in, the first developer in is the developer that the State Traffic Commission is going to make do all of the work, and carry the freight as far as the expense. That's not so much the issue before the Commission with this stipulated agreement because whoever does this side of the site first is going to have to satisfy the State Traffic Commission. I believe the issue that is really before the Commission on this request from Hunter Development is the re-ordering of the project. The whole project as it was approved by the court settlement is leveraged on a hotel being up to the point of footings, footing and foundation, and the building permit paid for, which is a substantial economic investment in that hundred, hundred and ten room hotel. Then the developer would get the c.o. for the gas station. Hunter is asking to completely re-order that, take the hotel completely off the table, and not do that at all. He hasn't said he is going to do it at all. He's saying it could be eighteen months, and he's collapsing it from the hotel being constructed up to the footing and foundation, to taking it off the table, saying he would get the retail store completed per the plan and would have the pad sites for the bank and the restaurant rough graded, stubbed out, and up to a binder course. At that point, he would look for a c.o. for the gas station, so it's dramatically different from what the prior Commission agreed to, as far as their desire to have the hotel up and going as part of this project. I tried to tighten up the agreement so that we had better identification of the type of work that we wanted to see finished there, and we didn't want to be left with a property that, as far as it's presentation from the public streets, was half done so that is why I felt it was important to be more specific as to final grading and landscaping and signage and so forth, and I think that's pretty much it. As Mike said it well, in this economy it's really, I can't see a bank stepping up, a hotel is problematical, although I have to tell you, the Manager and I met with the prospective hotel group that said that they wanted to be here, they did their marketing study, they liked the site, they just can't get financing in this market. Mr. Friesbie I think has been pretty straight forward and he's spent a lot of time of this project, I don't think he wants to walk away from it, he's got a lot invested, but he could have financial problems and have to walk away. He may be setting the table to get the gas station built, he keeps that part of the site for himself and operates it, and then the rest of the site, with the restaurant, the bank and the retail becomes an attractive property for some other developer because now they have the off-site improvements done, they've got it built up to a binder course, so he may just split the other part of the site. Then the hotel could come in later. I think the important thing is the comfort level of the Commission members of entertaining the idea of him going forward with this. I tried to put in there requirements for bonding, and certain thresholds of work done and State Traffic Commission approval. He says that he meant that in his agreement but that he wasn't that specific, so I didn't really change the characterization of what he was talking about ordering the site, but if you think that, because you could be right, you could, a year from now or six months from now he could go bankrupt and you will still have the hole in the ground. He's got five years. He doesn't have to do anything for five years.

Commissioner Schatz: And for the members who weren't here, I think we bent over and gave him two more stories on the hotel.

Ed Meehan: One story.

Commissioner Ganley: And there was no restaurant that was going to be in the hotel. It was going to be a free standing one.

Commissioner Schatz: We asked the same questions.

Ed Meehan: The policy benefit to Hunter was, that made me think of that, is, first you changed the zone from Industrial to Berlin Business Turnpike. By putting it in the Berlin Business Turnpike you opened up a whole menu of uses. Hotels, banks, restaurants, so that is an economic benefit, and then you amended the height standard to provide more density, more return on his investment by going to four stories. So, the Commission I think felt that this was an important site. It's identified in your Plan of Development as a gateway site. I think you could take hard line and say we're going to sit with what we have, I don't think anything is going to happen there, to tell you the truth, I don't think in this economy he can go forward. I'm surprised that he's even committed to his off-site improvements, it's well over two million dollars in off-site work right now, and I know that you didn't have a chance to read his whole traffic report to STC, but he factors that out to be about seventy dollars a square foot in development cost. That's how the developers look at it. They translate their off site cost into their square footage cost, so it's an expensive site.

Commissioner Schatz: It always amazes me personally from sitting here and just observing what goes on, people in general when they want to build something, they spend money on surveyors, the plot plans, they come in and see Ed, they get all of the paper work done, which is very expensive, we go through it all and say that we approve it, and then it never happens.

Ed Meehan: I do think that they want this to happen, I mean, he bought that from Cedar Mountain LLC, from the Lowe family. He paid top dollar at the top of the market, and they did demolish the building, they did the environmental remediation, they had an arrangement with the seller to do the environmental remediation, and so he's got a lot invested in the site, I don't think he wants to walk away, but you can't tell, I don't know what else he has going on in his life.

Chairman Hall: Right, we don't have a crystal ball. Any other comments?

Commissioner Ganley: What would be a, we don't have any time constraints? When ought we be best positioned to make a decision on this thing?

Ed Meehan: Well I know that the party that is interested in the property next door is trying to set up a meeting with me and the Town Engineer in the near future to talk about wetlands issues over there and you know, I would think by the middle, end of next week we would know if they are still seriously interested in that twenty-eight acres, and their issue in coming in with us, it's more of a technical issue is, it is a technical issue, if they are going to put housing on that site, they need two ways in and out, so they have to build a road. The road has to go from East Cedar Street around the back of Hunter's site, along the westerly side of the Humane Society, out to Old Highway, back out to Russell Road. Could be a road alignment very similar to what the Berlin Turnpike corridor study recommended for that part of the Berlin Turnpike, and part of that road is going to touch on the wetlands. There is a pocket of wetlands behind the Humane Society, so we are going to be asking technical questions about wetland impact and drainage, so to answer your question, by the end of next week.

Commissioner Ganley: You'll have all that information?

Ed Meehan: Well, we'll know if they are really serious.

Commissioner Ganley: Which then means that the 25th is our next meeting, might that be a reasonable time for us to, or do you want to go into March 11th, I mean, I'm trying to get some handle.....

Ed Meehan: I think you know.....

Commissioner Ganley: You said going back to the attorney is one of the options, I was just trying.....

Ed Meehan: Well, my thought is, you don't need to take this to the attorney yet, until you are satisfied with the type of agreement. I think what you need your Town Attorney for is certainly to read the agreement, but also advise you on the procedures that you need to work out going back to Superior Court and getting the Court to agree to this, and working with Hunter's attorney to redo a formal agreement. The Court has to sign off on it. This is over for Judge Levine. Judge Levine worked on this with Steve Nassau, so, the 25th, I'll report to the Chairman sooner once we have this meeting with the housing development. There is no guarantee that you are going to like that project either.

Chairman Hall: And that could mean a zone change too.

Ed Meehan: Yeah, it's a policy decision.

Chairman Hall: And that has to come back before us as well. This is far from being over, and my biggest concern is if we look at the other end of Cedar Street. That was a project that was going to have a hotel, a Starbucks, little bit of retail, whatever, that is a developer who has been in business for many, many years and we see nothing there, and there is a possibility that for the foreseeable future there will be nothing there. So, here we have one end, we've got the other end up at the Hunter Development, which is coming to us with similar types of building. Well, if they can't get it done on this end, when are they going to be able to get it done on the other end? Is it better to have a site with nothing, and essentially innocuous at the moment or something that is half built or a hole in the ground that people are going to see as they come in from the Berlin Turnpike. We have to be very careful about how we are developing our land and what we are presenting to this town. It's our, it ends up in our lap as to how this is developed. So we have to keep that in mind.

Any other comments, questions?

Ed Meehan: If you certainly wait until the 25th, if I know sooner I'll talk to the Chairman and let you know what is going on. We met two or three times with the party that is interested in the twenty-eight acres and we always tell them, you're looking for a zone change, that is a policy decision, you're going to have to convince the Commission that it works there, that it is compatible with the adjacent property and given the past history on that site, which goes back three or four times different zone changes, they have to show the Commission something different, so there are a lot of balls up in the air right now.

Chairman Hall: Right. It's not going to be an easy one, but something that we need to take the time to consider. We don't want to rush this through and make a decision without all of the pieces put together. Any other questions, comments?

Any other communications, reports?

Ed Meehan: No.

VI. NEW BUSINESS

- A. **PETITION 02-09 - Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 75-06 Site Plan Development, approved April 25, 2007, for single family age restricted homes, fifty-five or over, Section 5.3 PD Zone District. Inland Wetland Report required. Continued from February 4, 2009.**

Ed Meehan: You are waiting for the Conservation Commission to provide you with the Inland Wetland Report and this is a companion application for the Special Exception that was postponed under Public Hearing, so I recommend you continue it to the 25th.

Chairman Hall: All in agreement with that? Any questions or comments?

VII. OLD BUSINESS

- A. **PETITION 48-08 Newington Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111 Attention: Edmund Meehan, Town Planner, request for Zone Regulation proposed Section 6.13 Accessory Apartments, permitted in R-20 and R-12 Zone Districts by Special Exception. Public hearing closed January 14, 2009. Sixty-five day decision period ends March 20, 2009.**

Commissioner Schatz moved that Petition 48-08 – Newington Plan and Zoning Commission applicant, 131 Cedar Street, Newington, CT 06111 Attention: Edmund Meehan, Town Planner, request for Zone Regulation proposed Section 6.13 Accessory Apartments, permitted in R-20 and R-12 Zone Districts by Special Exception be approved for the following reasons:

1. Permitting accessory apartments will increase housing opportunities for smaller households.
2. The design standards controlling the accessory apartments are reasonable and provide adequate safeguards to ensure single-family neighborhoods are protected.
3. The Special Exception procedures for an accessory apartment use in existing or proposed single family dwelling are clearly set forth in Section 5.2 of the Zoning Regulations and provide both applicants and neighboring property owners the opportunity to be heard.
4. The effective date of this amendment shall be February 20, 2009.

The motion was seconded by Commissioner Ganley

Chairman Hall: Discussion? Also, please notice that below this, we also have a second, so I want you to read that quietly so that you have that in mind as we discuss the top page. Everybody finished with the second page? Okay, let's go back to the discussion of the first page which would approve it with these four caveats. Discussion?

Commissioner Schatz: I'll start it off again. When it first came up the first time, and we took it out, I voted to take it out, and then I heard that basically it was something that we should have and suggested that before the Town Council that we would bring it back and look at it again. My feelings, and I heard the gentleman who came up here and said you know, well, they have an apartment next door, two family house, and I understand that. But there are some houses right in

town, right now, that are renting out rooms to pay the mortgage. You can tell that by the number of cars that are in the driveway, almost a parking lot. We have one, two, three, we have four accessory apartments on Maple Hill Avenue, I believe, alone. I don't think any of them are occupied. I know one was dismantled. I know that for a fact, but you know, so there are three or four out there on Maple Hill Avenue that I know of, there was one that we just approved and the gentleman passed away. I know that is not being used, so I would support this motion, and give people the opportunity if they want to do it. If they don't want to do it, fine, but it's there for them, not saying that they couldn't.

Chairman Hall: Other discussion?

It is by Special Exception, it is not a given. Just by passing this doesn't mean that everybody can go out tomorrow and start adding on an accessory apartment to their homes. That is not how this is designed.

Commissioner Casasanta: I'm in favor of the amendment for the simple reason that I think it's important to have this as an option for people. I've listened to people, actually I was kind of surprised at the lack of people who came out and spoke, but listened to the people who came out and spoke, both for and against it, and I know that we had a little discussion among ourselves regarding the issue as well. But I'm in favor for a couple of reasons. Number one is that I think that it is important to have this as an option for folks. Typically we think of the elderly with this, and that is probably the biggest part of it, but it's not just the elderly either. It could be, I know that by allowing this you're allowing anyone, but at the same token, when we think of just family members in general it's, you know, you're talking about siblings, you are talking about whatever, I mean, so it's, to have it available, in case somebody needs a roof over their head and for whatever reasons, be it economic reasons or physical reasons, where they need to stay with family, I think we need to make that an option for them. I think having the kitchen aspect of the thing, which I know is the driving thing behind this. I think of my own parents, and if they were to live with me, I know for a fact that they would want to have some modicum of being able to fend for themselves. That they would like to have the ability to cook in their own kitchen for themselves and have an area that is just for them. I have friends who live in Rocky Hill with their parents who live with them and it's a great arrangement, I mean, they have a small area of the house and it's got a little kitchenette in there, it's got a little, it's perfect for them. I think that is, I know it could potentially be the other things, but I think that if that is something that does happen would be few and far between, so I think we need to move forward with something like this.

Chairman Hall: Other comments?

Well, I can tell you without qualm that this is already happening in town. We have many homes in town that already have this arrangement and two years ago, they became illegal. Although it doesn't seem like a big deal, it is a big deal if those people go and try to sell that home because then they have a non-conforming property. We've also found that houses that do have the ability for an in-law apartment actually sell for more money than houses that don't, because often you will have combined families. You will have the parents, and then the children with their own families combining their resources to buy a larger house to accommodate all of them, and because of that, they have more resources and they are able to spend more money on it, and it does help them. We've had these for many years and I don't see in town that we have a problem with people renting and having problems with the accessory apartments that currently exist and having people have problems with renters. It is an option, it does give people a secondary chance at creating housing, and if you've been reading the national newspapers there was an article in the New York Times, there was also an editorial in the Hartford Courant on this matter itself and both of them were in favor of this type of housing. Again, because of the economy, because of families the way that they are, often times now you have families with young children, both parents have to work, so they want to move the parents, the retired parents into their home

to watch out for the children. This again gives them that option of doing that. We have a lot of housing stock in town that would lend itself well to this. The raised ranch type of housing where you have the lower level which can be separated from the upper level and it's easy to create a bedroom and living room and even a little kitchen on that level, doesn't look any different from the outside. It doesn't change the flavor of the neighborhood at all. It just allows of people an alternate form of housing. I will support this as written. Anyone else?

Commissioner Pane: I don't think you can honestly compare this document to the in-law apartment document that we had in the past. They are two different things. I think the old document that we had was a good one. Unfortunately, due to some legal matters, it's totally different now. It turns it, not into an in-law apartment but just an apartment. I think our R-20 zone is our most precious zone of land for single family homes, and I think they have to be protected and I don't think I can support this. I think it would be very detrimental to our R-20 Zone. If this was the old in-law apartment regulation, I would support this, but I can't support this now. Thank you.

Chairman Hall: All right, it's been moved and seconded, we've had discussion. I'll call the vote.

Commissioner Pane: Could we do a roll call please?

The vote was in favor of the motion, with five voting YES, (Hall, Schatz, Casasanta, Ganley, Niro) and two voting NAY (Pane, Camerota).

B. PETITION 49-08- Lot 5 Costello Road, Raymond Gagnon applicant, 3287 Berlin Turnpike, Newington, Amigo Corporation, 299 John Downey Drive, New Britain, CT 06053 owner, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 8,000 sq. ft. building, PD Zone District, Continued from January 14, 2009. Inland Wetlands Report required.

Ed Meehan: You are waiting for Conservation to render it's decision and report to you. They meet next Tuesday, the 17th, so this would be on your agenda for action on the 25th.

Chairman Hall: Anybody have any comments or that they want to make? Anyone who has driven by the site this week have another question?

Commissioner Schatz: First time I've been up there, I was trying to figure out exactly where it was, the pipe company, as you go up, the pipe company is on the left had side, right?

Ed Meehan: Yeah, EPPCO, well what we used to call EPPCO.

Commissioner Schatz; And you go up to the end,

Ed Meehan: The very end, on the right.

Commissioner Schatz: There is a road there though.

Ed Meehan: No, there is Costello Place, you go by Costello Place, past a little brown set of buildings, which have some multiple tenants.

Commissioner Schatz; Where they started a land fill?

Ed Meehan: Yeah, Williams Construction yard, and then the next vacant piece is this piece here. It's got some flagging on it, the very end of the cul-de-sac. The property actually straddles the cul-de-sac.

Chairman Hall: Then you look up and can see the condos up there.

Commissioner Schatz: Yeah, I did.

Chairman Hall: Any others? All right, we will continue this until we get the report from the Inland Wetlands.

Commissioner Pane recused himself from Petition 50-08.

C. PETITION 50-08 – Corner of Pane and Maselli Roads, (west side) White Birch Crossing, LLC, owner and applicant, 638 Church Street, Newington, CT 06111, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 23,340 sq. ft. single story building PD Zone District. Continued from January 14, 2009.

Commissioner Casasanta moved that PETITION 50-08 Corner of Pane and Maselli Roads, (west side) White Birch Crossing, LLC, owner and applicant, 638 Church Street, Newington, CT 06111, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 23,340 sq.ft. single story building PD Zone District be approved as follows:

1. The site plan entitled White Birch Crossing, LLC prepared by BGI Land Surveyors, sheets 1 to 5, Scale 1"=40' revised dated January 6, 2009 shall be modified:
 - A. Show Phase 1 boundary on Plan Sheets 2 of 5 and 3 of 5.
 - B. Remove parking spaces located in front of overhead doors (15 spaces) and in front of egress doors (5 spaces.)
 - C. Show detail for dumpster enclosure.
 - D. Modifications to the storm drainage system, Sheet 3 of 5, shall be completed pursuant to the Town Engineer's review comments.
 - E. Prior to the issuance of the Certificate of Occupancy for Phase I building the applicant's engineer shall certify to the Town Engineer that the storm water system has been constructed in accordance with the signed plans.
2. The architectural plan elevations submitted to the Commission, February 4, 2009 identifying façade pre-cast wall panel construction and standing seam metal wall panel (Maselli Road) frontage shall be prepared on mylar for signing by the Commission chairman.
3. Prior to the issuance of building permit for Phase I the remainder of the project area that has been grubbed shall be cleared of stumps and the disturbed areas hydro seeded for stabilization.

The motion was seconded by Commissioner Ganley.

Michael Pane: Madam Chairman, I have a quick modification to this before you discuss this. The only issue is, in discussion with the tenants, is just changing the elevation where the garage doors are. Very minor, from the south to the north.

Ed Meehan: I think we need some time to look at that.

Chairman Hall: From the south to the north?

Ed Meehan: What does it do to your driveway locations? This is the first time that I have heard about it? To have the Commission look at a plan in the middle of a motion is kind of unusual.

Michael Pane: It doesn't impact the driveway at all.

Chairman Hall: Changes from one side of the building to the other.

Michael Pane: Right, but the driveway is the same on both sides.

Ed Meehan: Well, I think the Commission ought to have some time to look at this. I mean, you will need an extension if you want to do that because you are supposed to vote by February 13th, so if the Commission wants to entertain it, then you should get more time to look at it.

Chairman Hall: The seconder has withdrawn his second.

Commissioner Ganley: So the motion dies for lack of a second.

Chairman Hall: Yes.

Ed Meehan: So do you want to leave the plans for us to look at?

Michael Pane: Yes, I'll leave this here.

Chairman Hall: Now that is just the façade, we have to see, just flip it on Alan's, he'll have to give us that back again. So we will bring this up again on the 25th.

Ed Meehan: If you want to give us an extension for the record.....

Michael Pane: You want a reason as to why.....

Ed Meehan: No, the reason is because you submitted a site plan modification but for the record, if you could give the Commission an extension to February 25th, then we will be okay as far as procedures.

Michael Pane: Sure

Ed Meehan: Because by state statute if they don't vote by the 13th, what you submitted is approved.

Michael Pane: You can have an extension to the 25th.

Chairman Hall: What they submitted the first time.....

Ed Meehan: Not the new stuff you submitted tonight, but.....

Chairman Hall: We need that extension to be able to take a look at it.
Does that have to go back to Public Hearing?

Ed Meehan: No, it was just a site plan. We will give it a once over, just to make sure that everything fits okay, I'm sure it does, and then we will have a clean motion for the next time. Do you want to put a revision date on here, so that when we do revise this, it will refer to what you want.

Michael Pane: I'll have Alan drop it off, revised.

Commissioner Pane returned to the table.

VIII. PETITIONS FOR SCHEDULING (TPZ February 25, 2009 and March 11, 2009)

- A. Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship. Permitted in all zone districts by Special Exception. Request to add the following: Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use, Sudhakar Nargardeolekar AIA applicant, 330 Roberts Street, East Hartford, CT 06108-3654.

Ed Meehan: Right now I would suggest that you schedule this for the 11th. This is Petition 03-09, a zone regulation change. I have not heard back from either of the two RPA's because this is a change of use so it has to go to the RPA's. CCROG has already sent me their schedule, they'll report before the 11th, and I haven't heard from Central Connecticut, so that would be I think the ideal date for that particular matter.

I have one other one to talk to you about, I can talk about the age restricted amendments. I talked to the Chairman about that. I don't know if you want to schedule this, talk about it, how you want to do it. Let me give you the background. You recall that the town and New Samaritan Corporation entered into a lease option for the parcel across the street called New Meadow Phase II. That was done at the request of the Town Council. It was worked on over the last twelve months and finally there was a resolution to the town going forward with New Samaritan as their preferred developer. There was a committee called the Affordable Age Restricted Housing Study Committee, I think that's what it was, that they recommended to the Council that the project go forward, the town enter into a lease option with New Samaritan and they made some suggestions on how the site should be improved. The major I think recommendation was that the proposed senior housing be moved to the far north end of the property, to where the Board of Ed building used to be. It's now Channel 14. That building be removed and that the housing be pushed to the north end, the center part be left open space for informal playfields, the south end be improved for parking under the ownership of the Town for the senior center and the Newington Housing Authority. Michelle was on that committee, a long committee, a lot of work. End result was, Town Council accepted that recommendation and they moved forward and signed the lease with New Samaritan, but New Samaritan had not gotten any HUD funding commitment yet. They just recently got funding commitment from HUD, they were supposed to have it last November, with the change in administration they didn't have it in time, so they got it within the last week. They have a reserve of a little bit over four million dollars for 32 units. Part of the town's lease option as well as the discussions with moving the project to the north requires that the town look at the zoning for that site. The site is owned by the town, it's going to be continued to be owned by the town because it is going to be leased to New Samaritan, it's not going to be sold, the fee is not going to be conveyed to New Samaritan, but the proper way to do this, since the lease is a very long lease is to make sure that zoning is appropriate. So to facilitate the placement of the housing at the north end of the site, I've been keeping my eye on the zoning because I wasn't sure whether to bring this up until we had a funding commitment or not. The way I believe to accommodate the development at the north end, and also to coordinate with the Housing Authority is essentially to change the zoning from a minimum of a five acre tract

to a two acre tract of continuous property. Right now the zoning regulations read that you have to have a minimum of five acres. That goes back to I think it was 2001. The history of senior housing in Newington is that Cedar Village is on a tract less than five acres, Kelleher Village is on a tract less than two acres, just a shade over two acres, Phase I, New Meadow is on a tract of five acres, but Phase II is on a tract of less than five acres, 2.3. So this change of parcel size would facilitate the development by New Samaritan and also would tighten up the language. I had put in here and suggest for your consideration that you limit this to affordable age restricted housing when sponsored by the Newington Housing Authority and non-profit sponsor or a limited profit sponsor. Anyone of those three entities is going to guarantee you affordable housing for seniors and that is what this section of the regulation has always intended. The density stays the same, the locational requirements stay the same, everything else other than that five to two acres is as it is in the regulations now. So I would put that forward for your consideration to schedule for Public Hearing. New Samaritan has retained an architect and a site engineer. They are going to start working on their site plan. This project will require some land swaps with the Housing Authority to share the road into the site, to share utility locations and for drainage purposes. That has to be all engineered, so the project looks like it is going to go forward, they want to try to get construction started before the end of the year. It's an aggressive schedule given that we have to work with Conservation for Inland Wetlands, we have to demolish the building and relocate Channel 14 and the Art League, and they have to, along the way, keep HUD informed of their progress. The Town Council under the agreement does not sign the lease, permanent lease, until TPZ approves the 8-24 referral and the site plan, so they are showing good faith going through the process. Like a typical developer, they have to get everything done before they take control of the property. So, that is sort of the project in a nutshell. Any questions about this?

Commissioner Schatz: Now is it sponsored by the Newington Housing Authority, and they don't control it because they signed the lease, right?

Ed Meehan: No, the sponsor for this is called the New Samaritan Corporation. They are the entity that applied to HUD and got the, basically a grant, but they call it a loan, and they are going to be responsible for building it and maintaining it, and operating the project. They are in a lease option with the Town to lease the property for one dollar, to build affordable senior housing. The Housing Authority as you may recall had tried to do some senior housing on that site, couple of times they tried, they never brought it to fruition and so the Town Council a couple of years back now went out to private developers, non-profit developers to see if that would work and this is how we ended up where we are today. The Housing Authority and New Samaritan are going to be neighbors and they are going to be talking to each other about cross easements for some of the things that I mentioned. I think New Samaritan would also like to approach the Housing Authority and take over the management of the 28 units on that site, have the whole site under one management company. That doesn't really concern this body, but it's something that they have talked about before.

Commissioner Schatz: So probably the big question, would Newington residents get first crack at this?

Ed Meehan: No.

Chairman Hall: They go by HUD guidelines.

Commissioner Schatz: I think I knew the answer before I asked, but I wanted to make sure that I got it on there.

Ed Meehan: It's open enrollment, it's advertised in all the local papers, but they do make a commitment to use local waiting lists, they will make that known to the Housing Authority, to

Social Services, to Senior and Disabled, but they can't give any preferential point scores based on residency.

Commissioner Schatz: Okay. When I was on the Housing Authority if Tom was on the list to have an apartment, he'd had two refusals before he came off the list.

Ed Meehan: What does two refusals mean, he passes twice?

Commissioner Schatz: Right, and he goes back down to the bottom of the list.

Ed Meehan: What if Tom was from Wethersfield, would he have preference over someone from Newington, or visa-versa?

Commissioner Schatz: Most of them are all Newington residents anyway.

Ed Meehan: You can't do that legally any more, you can't even do it if you are a Housing Authority (inaudible)

Commissioner Schatz: Oh, I know and we had that happen, where people didn't sell their house, were going to move into senior housing, and it just wasn't working for them.

Ed Meehan: I haven't kept track with the Housing Authority list in Newington. I'm meeting with Steve Karp, the Chairman on Tuesday. They did have a fairly good size list, and they shut it off, didn't take any more applications.

Chairman Hall: I think everything has been on hold, waiting to see what was going to happen, I don't think they have done anything with that.

Commissioner Camerota: I think that list has been closed for at least a year, right?

Chairman Hall: Oh at least.

Ed Meehan: Thirty-two units will help, but this is an eighteen month process to get these ready for occupancy.

Chairman Hall: They are about on schedule though, because when they started this whole thing they said about 2011, and that's about where it's going to be.

Ed Meehan: Yeah, based on our meeting yesterday with them, they want to try to get going before the snow flies, next winter, but it's an aggressive schedule, and that's why they asked for me to get jumping on the zone change question. That's why it's on here for discussion under Petitions for Scheduling.

Chairman Hall: Any other questions?

Commissioner Casasanta: Not on this one, but if it's okay can we just go back to Petition 03-09 for just a couple of minutes? I just, I know that I wasn't here at the last meeting, so the Reader's Digest version, what is this all about?

Chairman Hall: We really don't know too much about it except that they have come before us, Sudhakar is the one that approached you, isn't he?

Ed Meehan: Yes, he's the applicant.

Chairman Hall: And explained and requested this, so.....

Ed Meehan: This is for an amendment to the zoning regulations to get into place the opportunity for a place of worship to have a residential quarter within the building, within the place of worship. It also could be an accessory building on the same site, as a residence for a pastor, minister, rabbi, as part of the property. The particular applicant is representing the group that bought the former Knights of Columbus building on North Mountain Road and apparently they would like to have someplace in that building a place of residency for their, I'm not sure they call him a minister, what the correct name is, for their leader within that building. They had approached the Building Department about providing interior living quarters when they first took occupancy. They were told if it was not listed in the zoning regulations it's not permitted. So they held off, they got themselves organized and settled and they are coming back with this now.

Commissioner Casasanta: So as opposed to like a rectory, which is a separate building from the church, this would be within the same building as the church.

Ed Meehan: Yes. You could still do a rectory under this, because the rectory could be an accessory building. I don't know the history of how the current places in Newington have rectories or buildings for their ministers. Emanuel Baptist I think has one, up in back, Holy Spirit....

Commissioner Casasanta: Most Catholic churches have the rectory next.....

Chairman Hall: Church of God on Church Street had that white house.....

Commissioner Pane: Basically this corrects some of the zoning that we had.

Ed Meehan: Could.

Commissioner Pane: This corrects the zoning because we have allowed it, so this is basically correcting some of the existing language in our zoning.

Ed Meehan: I don't know how the other ones got in there. They didn't have frontage, they aren't legal building lots.

Chairman Hall: Well, don't churches have some exemptions though? That is the other thing you have to inform us about as far as churches, what their rights are versus what we can and cannot do and what we can allow and disallow.

Ed Meehan: They don't have any exemptions. This would be by Special Exception so if you put in a regulation, there is still another step of coming back and showing you a site plan, a floor plan, making sure it meets the guidelines. The traditional principal in zoning is you cannot regulate the occupant you regulate the use, not the occupant. The use, not the user, but there are, there is I think it's called the Religious Freedom Act that you cannot discriminate against places of worship. As long as they are located in a safe place, you cannot zone them out of your regulations. So we have to make some sort of accommodation. They don't get any preferential treatment, but they can't be excluded. Our regulations in Newington are fairly, I would say generous, because places of worship are permitted in all zones by Special Exception. As a result, we have a new church up in an industrial zone, up on Day Street. We've had some churches look at commercial sites. Some communities permit churches in all residential zones, but not in non-residential zones. It depends how exclusive you want your regulations. Historically Newington has always permitted places of worship in all zones.

Commissioner Casasanta: Not to put the cart before the horse, but just so I'm clear, if we were to eventually permit something like this, there would be, even though the intent may be for, to house like the minister or pastor or whatever that individual may be called, but that wouldn't stop them from allowing someone else to live there, is that correct? Is my understanding correct?

Ed Meehan: I don't know. I think a lot of this discussion should be part of your public hearing fact finding because this is really going to be appropriate to talk about with the applicant in the room.

Commissioner Casasanta: No, but I just wanted to be sure that I understood from a more global perspective that even though that may be their intent, I just wanted to make sure from a global perspective that just because it may be intended for A, that a different type of individual could be using it.

Chairman Hall: In other words, we don't want to turn it into a rooming house.

Commissioner Casasanta: Exactly.

Ed Meehan: There are all kinds of probability. I'm not sure who's living in the convent at St. Mary's any more, either for that matter. This is really public hearing matter. We should not be in a position where you might pre-judge them.

Chairman Hall: So they are coming, do you think they are coming on the 25th, or the 11th?

Ed Meehan: It's up to you. We didn't put a hard date here because of the referrals. I would recommend that you have it on the 11th. You have to hold the hearing within sixty-five days, so you are still okay, but by the 11th, you should have your regional planning agency advisory reports back.

Chairman Hall: Okay, just to be safe, why don't we do that? Any other questions on this?

Ed Meehan: Do you want to bring forward the changes on the affordable age restricted amendments?

Chairman Hall: For the 25th? We might as well.

Ed Meehan: Okay.

Chairman Hall: We can take these and review, it's only the one sheet. Then you will put it in our packet for the next time?

Ed Meehan: Yes, it will be in your packet.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

A. 2006-2016 Plan of Conservation & Development Review of 1995-2005 Projections, Economic, Housing and Environmental/Open Space Components (See Enclosed.)

Chairman Hall: I'm going to move general remarks by Commissioners after we look at the Plan of Conservation and Development. We'll do that at the end.

We were given in our packet changes, the additions, we were going to go over some of this and we also had our, a suggestion this evening, and I want to run this past everybody, that for the next couple of meetings if we meet at 6:30 and dedicate the first half hour to these changes and Plan of Development instead of having it at the end of the meeting. Would that restrict anybody, or would you prefer to have it at the end? We're going to be going over these for the next couple of meetings.

Commissioner Camerota: I think it's a nice idea to have it at 6:30. I might have a problem for the next time, but I think that would be helpful.

Chairman Hall: Is that all right with everybody, 6:30?

Commissioner Pane: It's all right.

Commissioner Casasanta: I certainly don't want to stop this from happening if that is what everybody wants, I personally won't be able to attend the 6:30 meetings, but by all means.....

Chairman Hall: Any of them?

Commissioner Casasanta: No, due to work, but you know, I don't want that to stop it so if that works best for everybody, so be it, but I just wanted to.....

Chairman Hall: I rather get as many people as possible involved with this though, because if our thumbprint is on it, I want to make sure that we have all had a chance, so.....

Ed Meehan: You could move it up early, your agendas are going to be light for the next couple of meetings. I mean, you have a couple of zone changes, I can gage by the number of developers that I meet with that the projects are not flowing over the waterfall so to speak, there may be a couple of restaurant interests coming in, but there is no big development that is going to jam up as far as public hearings, you could move it up and put it under New Business, the first item under New Business. If you do have a private so to speak, applicant, you can make your adjustment that night.

Chairman Hall: Right, well I'm serious, I would rather have as many people able to attend as not, so we will keep it in the body of, and maybe move it up a little so that we can, but as it is now....

Ed Meehan: How do you want to do this?

Chairman Hall: Let's go over page by page and just go over it, because there are some people who I don't think are familiar with it at all, others that could probably spit it back to us, so.....

Ed Meehan: Do you want me to start?

Chairman Hall: Yes.

Ed Meehan: The format is I think self explanatory, but on the left hand side on every page you are going to see what the Plan of Development for 1995-2005 set forth as far as projections, goals, policy, strategy. Then what we tried to do on the right hand column is provide the Commission with a comment as to what the current situation is, as far as population change, demographic change, as far as age, change in land use characteristics, particularly the vacant land component, which we completed almost a year ago now, and we need to update that which won't take long with our GIS, and the characteristics of the physical side of the development in Newington. We have an older maturing population, medium age is probably going to up around forty-five, by the next census. We have a smaller household, fewer students, but very slight, no big demographic change there other than the age.

The land supply is nothing new to this Commission. You know that the land supply is dwindling, and that the key for the next ten years, I believe is going to be try to use our existing sites more efficiently, recycle sites, maybe redevelopment sites around town in key locations.

We've kept track of all the development projects over the last ten years, as to where they occurred, whether it was residential land or non-residential land. For the most part, the development of your non-residential uses, the uses that drive the grand list, really have occurred on existing sites, either tear down sites that have been re-used, or more maximization of building coverage on existing sites. A classic example I think would be Target, where Richard Court was completely re-configured, Aldi's, JDC was eliminated as an example, a residential use that occurred on a commercial site, Toll Brothers Newington Ridge. So, we are pretty much down to the usable land in Town. What's left is scattered, there's no real big chunks of land. Cedar Mountain and the twenty-eight acres owned by Matcap Development LLC and next to that the sixty acres owned by Balf Company. Those are the two biggest chunks. Then there is a fairly good sized chunk of residential land down on Culver Street owned by the Haltner family, the corner of Griswoldville and Deming about a ten acre piece of the former Peckham Farm. Other than that, the residential lands are scattered. The biggest piece of land that is under one ownership is owned by Central Connecticut University, 120 acres on the west end of town, used to be the I-291 land. Maybe over half of that is restricted because of environmental limitations of flood plain or wetlands so it's got to be carefully looked at, and the other very large piece of land, and we don't know what the disposition of this is going to be yet, is the former Cedarcrest Hospital up on Russell Road. Governor Rell mentioned that she is going to close it. In the case that no other state agency picks it up, and they probably aren't going to pick it up, if the Governor says that she is going to close it, it will be offered to Newington. We are next in line. The question is, do we want it, what would we do with it? Those are all old buildings that could all be problematical buildings but there's probably eighty to one hundred acres of unbelievable land up there.

Commissioner Ganley: There are some residences up there, all the way down the end, the brick ones.

Chairman Hall: Just like the Veterans Hospital property.

Ed Meehan: So that is something that is an opportunity. I mean, is it Montville.....

Chairman Hall: Preston. Bought it for a dollar.

Ed Meehan: Utopia, something going on over there. We're talking ten years out, so let's keep it in mind.

Then we got into the components and this is structured the same way where there is basically a generic goal, you know, of what the Commission felt was a reasonable goal and under each goal we have policies and strategies. So, if you have had a chance to look at this, what I tried to do under the comment is, how we tried to fulfill that strategy. What we did to address the strategy which is key. In a plan that I think is most appropriate for Newington, given the age of the

community, it's maturity as far as land use, our geographic location in the capitol region between New Britain and Hartford, I think we are best served by more of a policy plan, where this Commission articulates your land use politics and then sort of sets an agenda to implement those policies, whether it's an agenda to tighten up certain zoning regulations or to talk about opportunities for development sites. We identified, in a previous exercise twenty-five or thirty locations around town that could be probably reused, or could use new development. We call those opportunity sites. I think, just jumping around, slow me down if I start rambling, that particularly in this economic component a couple of critical things that I think Newington has as advantages and opportunities over the next ten years will be the busway and this New Haven-Hartford-Springfield line. I know that it is transit oriented development, a lot of people are saying that it is very expensive and will probably never happen, but we had a meeting today with the consultant who is doing the rail line, we've been meeting monthly with ConnDot on the Cedar/Fenn busway, and the station and National Welding and I think at least the busway is going to happen. Keeps getting pushed off, but when we have two transit systems like that going through your community, there are development opportunities that go along with this. So it may be something that the Commission can look at in your ten year plan, and talk about redevelopment along the line, or identifying areas that are appropriate for development. I think Tom that you served on the municipal advisory committee when we had the busway study and we talked about the land up around Spring Street and Newington Junction. Some of that land is marginal and not utilized for the highest and best use, as recycling that. We've talked about transit oriented development at Cedar and Fenn. We haven't put any standards into the zoning yet because the Commission wanted to wait and see if that was really going to come to pass. The other side of that transit oriented development and this is where I think prior Commission members, or some of them, felt uncomfortable with the higher density. To take advantage of some of this mixed use transit oriented development you're looking at density of eighteen to twenty units per acre. We used to have that in our zoning regulations, we used to have densities of one unit per 2500 square feet, all up and down the Berlin Turnpike and in the Town Center. We used to permit buildings up to ten stories. When the last plan was done, those policy changes were made to down zone Newington, to take that high density out and reduce the ten story building height. It never showed up in your zoning, but it was in the Plan of Development. So for transit oriented development, and some of these, the new buzz word is smart growth, and housing incentive zones, there's going to be more pressure to put higher density numbers out there, just from an economic point of view, return on investment. For a site like the National Welding site you've got to get a density yield to pay for the cost of demolition, remediation, and anything else you have to do. That's a big policy decision I think for this board. What is your comfort level on density? We're basically a quarter acre community, single family quarter acre community, over sixty percent of the town is zoned for single family quarter acre homes, so to move to higher density in selected areas is an important land use decision. It's up to you whether you want to make it or not, and how restrictive you want it. Do you want to just do isolated areas like along the busway or over on the New Britain/ West Hartford line or want to do it in the town center or the Children's Hospital piece where you have opportunities along Constance Leigh Drive, things like that. So that covers a couple of the things in here, it covers the issue of economic development and housing policies. The other issue related to economic development has to do with the town center is reducing some of the parking standards. We are talking about this a little bit with the downtown revitalization committee, trying to get a new plan for the municipal parking lot. What is a reasonable parking number, four and a half spaces per thousand, or is it even lower. I think pragmatically it probably could be lower. You look around at some of our commercial sites and I think we are over parked. Look at Target, I mean, I was in Target the other day, I know that the economy is not great but the whole south end of the lot, there was nobody there, and I think where we've been wise is we have seen where we can do places like TGIFridays or Panera Bread or Applebees, you know, in out parcels. I don't think it's been a detriment to those shopping plazas as far as parking, I don't think it's been a hardship to make it work. JoAnn Fabric's built out along the front there, added 6000 square feet, so that

might be another policy issue, the parking requirements. It has environmental impact because you are not having as much impervious surface as far as drainage and green space, so I'm not going to read this to you, you can read this as well as I can, but if there are things here that you want an explanation on as far as strategies that we didn't complete, or we didn't even attempt to do. I mean, there's a couple here, not just in this land use one but over in the open space one, a land trust, we never really pursued a land trust, we never pursued tax deferral, tax freezing for farm land, 490. We don't have any farm land, the only really active farm area that we have left that might qualify is Stoddard's up on Fenn Road. They have a couple of horses camped out up there. Not even Haltner has much active farm land any more. The biggest things were the purchase of the Young Farm and the Eddy Farm, over 120 acres purchased there. So do you see anything here as far as the goal statements that you want to change, or do you want to tweak any of these?

Commissioner Schatz: Is there anything in here Ed, on the ridge line at all, in protecting that?

Ed Meehan: In the open space component there is a strategy about protecting Cedar Mountain ridge line. That was followed up by changing the zoning regulations to put in the ridge line zoning into your zoning regulations. But to qualify for the ridge line zoning, it's like an overlay zone, you have to be almost, you have to be a cliff. It's very limited. I think there is the piece owned by Balf, which is maybe a couple of hundred feet, linear, this twenty-eight acre piece that we are talking about doesn't qualify, because it's not a fifty percent slope, it's probably a thirty, thirty-five percent slope. There might be a little slice of the Callahan piece, a very small piece of it, and then further south on Cedarwood Lane maybe another little piece, but other than that, the overall impact of putting a ridge line protection ordinance in your zoning doesn't have a dramatic impact. But we do recognize it in here as trying to protect the ridge line, and that has been basis for our success in getting two open space grants.

Commissioner Schatz: I'm going to guess at this, and I think I'm right, the Balf property, what, sixty acres?

Ed Meehan: Yes.

Commissioner Schatz: That backs up to Cedarcrest, right?

Ed Meehan: On the north side of Cedarcrest.

Commissioner Schatz: So if Cedarcrest dumps that, that's a big piece of land.

Ed Meehan: Yeah, you go all the way from Russell Road on the east to Mountain Road at the toe of the slope on the west.....

Commissioner Schatz: Sixty there, and you said a hundred and something?

Ed Meehan: About a hundred and twenty up to the face of the quarry, and then just drops into the quarry. So it's a big piece of green space, if you're going east on Cedar Street or New Britain Avenue and look east, you see the water tower and the rest of it is pretty much all green and that's what is left of the Cedar Mountain ridge line. As far as, a couple of minutes if you want to talk about open space, I think we've gotten the farm land protected, we've got four designated greenways, we've got a pretty good framework for our open space system, I think we need to do better through the wetland process to get conservation easements where they are appropriate to link up with other conservation easements. Not that the town holds the easements for public access, but we hold it for open space protection. It's better to take an easement in some cases than trying to own this land and manage it, be responsible for it. That might be something that we

pursue in this new plan is to strengthen that. There's no, we had an open space study committee and they identified some of their priorities but those priorities have been addressed. The two farms have been addressed, the greenways, Rock Hole Brook and Twenty Rod Road have been addressed. Cedar Mountain ridgeline has not been addressed because the owners of that property won't sell it to the town, the twenty-eight acres. They want five million plus, we have a half a million dollar grant, that the Governor wants to take back. So we're not going to get that land.

Commissioner Pane: On that Cedar Mountain ridge, you know, over the last ten years, we've had so many different proposals up there between commercial office, housing, and we've as a board have tried to protect that with either open space or the ridge line and stuff, and I think the board needs to look at it closer and figure out what the board, as a policy wants to put up there. If it is residential do you want a high density, or do you want a low density? Is it possible that, maybe if you do want housing up there, do you go with low density and create a whole new housing zone, an R-30 or something that is even bigger than the R-20 so that you have less people up there and you could protect the ridge line that way. That way the developers have to sell the lot at a higher value. That protects the ridge line and it creates less people going in and out of the site. So there is a lot to talk about. I think we need to come up with something because I think it is frustrating for the developers to come in and out and they have been denied for almost everything up there by this Commission.

Chairman Hall: Past Commission, not this one.

Commissioner Pane: Well, the Commissions.

Ed Meehan: You look at a piece like that that has a lot of environmental attributes, a very visible piece, it means a lot of different things to people in the community, who see it as a part of Newington, the ridge line. There are different philosophies in land use how you go about it. If you permit some development do you want to force the developer or put a carrot out there for the developer that he concentrates his impact so that he doesn't spread out over the whole ridge line and uses good areas to develop? Or do you go as Domenic said, low density zoning, you reduce the number of units which you may create longer roads, more excavation. It's a tricky piece because of it's configuration with two bumps, or two ridges up there. You probably, I would think in the next two or three months have this policy to make in front of you, in the near future.

Chairman Hall: Especially if you are meeting next week.

Ed Meehan: Yeah, I think you will. But again, it's an issue of economic development, and conservation. It's a double edged sword, and this Commission sits on the edge of that sword if you are faced to make a decision like that. And there are traffic issues involved, throw that into the mix too. But I guess what I would like to do is, we've committed to go through this, are there, do you see things here that we can reuse in the new plan? Are these goals goals that we can still continue to put into your public document, and maybe we have to change the policy direction a little bit, or update the strategy to get the point across as to where you want to be as land use policy makers. I don't see, I don't detect, sitting around the table and talking to you individually, a major shift in increasing the density dramatically in Newington.

Chairman Hall: There's not much place to increase the density.

Ed Meehan: We have, CCROG presented the Commission and the advisory committee with what they called the transit oriented development zone with densities that were fairly high. The committee said no, we're not ready to do that. There were some Doubting Thomas's about the busway, they figured that the densities were going to help the busway and visa versa, but is that

something that you want to revisit? There are also carrots through the State of Connecticut for housing incentive zones where you now set aside fifteen or twenty percent of the units as affordable and they will provide monies to the town to build the whole project, but you have to come in with densities that are fairly high. We don't meet the affordable threshold in Newington, we don't have ten percent of the units, we've had one affordable case that we were challenged on, that was Griswold Hills, and in this economy I think it's pretty safe to say that unless there was a, my understanding of the economic process is that housing follows employment, and employment is going the other way, so you are not going to see a high demand for housing right away.

Chairman Hall: It's cyclical, it'll be back.

Ed Meehan: The density issue of what you do on your remaining pieces, not virgin land, I'm not talking about the Peckham farm or the Haltner or up on Cedar Mountain, I think you probably ought to leave those alone, but for possibly mixed use redevelopment sites, as far as the density in those locations, or a special development zone for the town center because the town center piece, everybody has interest in Constance Leigh. Do you want something of a medium density suburban scale that makes sense as far as the height of the buildings, and what you want to see in your town center, but also is enough to entice a developer to put the money into that site, because as Tom pointed out, you have to start with the drainage over there. You have to start with the infrastructure. Two stories, three stories is probably not going to be enough of an economic return to do the type of project I think that this Commission has as a vision for that site, a mixed use project, a retail project over there.

Commissioner Ganley: I think your comments are right on the money and from what I understood to be unfolding is we ought not to let development be developer driven. That they ought to have enough up front so that there will come a time when they say, well, we can't do that for you, at which time we'll just say, okay, fine, but this is what we want you to do to come into this town. Am I essentially correct?

Commissioner Pane: Well, a larger development on the ridge line, if we went to a lower density, the developer will make it work.

Commissioner Ganley: But what I'm saying is that when they come in, they kind of know of front.....

Commissioner Pane: At least they know up front, this is what is allowed.

Commissioner Ganley: Density has to serve a purpose, and I think you made the point earlier on, that we can't have density in a part of town where they are devoid of any opportunity to get them services, it's out in the middle of the woods, or up on some godforsaken part of the town, or it's in a place where some towns, I know they are doing this, some towns just stick it and say they have it, but then the people can't get any places. It's like a, to get a lousy quart of milk they are going like sixteen blocks to get a quart of milk. We have to have some kind of a combination of the density and the ability to get to places, as we look at that.

The other thing, open space is a good idea, and it may very well be accomplished if we do in fact provide for some density because it then allows some of the open space to be around the dense area. We can probably pick it up in that regard because if the houses aren't spread out, they are more compact and a bit taller then we probably can address some of the green space.

Chairman Hall: We have a couple of developments like that in town already. It was a trade off with the developer that he reduce the lot size and.....

Ed Meehan: Candlewyck, all of Candlewyck. Up on Dover.

Commissioner Ganley: We are talking about the height of buildings, let's just use the hospital property as an example. There might be a way to accommodate some density if the buildings are almost like Morgan Pipe configuration, that is, the taller buildings up in the back of the property and then you kind of drop down, so by the time you get to Constance Leigh they're not as tall, and they don't look as garish.....

Ed Meehan: And they are not overwhelming the street.

Commissioner Ganley: And you might be able to do something like that and accomplish what you want and still have density, but someone can just walk down a driveway or through a little walkway within the development and walk over to a store and just walk on back.

Ed Meehan: I think your ultimate purpose and goal of doing this plan is to have on a map, called a future land use map those areas of town where you want to direct growth. If it's over on the corner of Cedar and Fenn you know, along the busway corridor, the concept is not drawn hard on a property line but it, the message on the map is, this is where you want mixed use development and you want it X stories, Y density or in the town center on the fourteen acres, Newington Children's Hospital piece. This is a site where the town land use policy makers, this Commission, will entertain a developer's proposal for a certain type of housing. So you are leading the target, so to speak, to those areas. But another part of town, maybe down at the corner of Griswold and Deming, that stays half acre, low density, so you keep it that way. We have opportunities to tie together open space areas and we're missing a section, you should show that on your map, so through a subdivision process if there is vacant land in that area, there is a reminder to the Commission and the developer who is designing it that when they come in with their subdivision plan, the Commission is going to look for easements or some fee land to make the open space system work. This community is a very mature community. It's not like we have, we're not out in Kansas here where you've got thousands of acres of land. We've got eighty-six hundred acres of land and I think the focus of this next plan is to really zero in on what you want to put where, on existing sites, sites that have been developed. The vacant sites that haven't been developed you know, I think the ridgeline, you want to say something about protecting parts of the ridgeline, I agree with Domenic, I don't think you can protect the whole thing, we've yo-yo'd developers around for twenty years, we had Locktite up there at one time, they were going to take the ridgeline, then a couple of housing developers with very high density, there were like 480, 500 units, five and six stories, nobody liked those, and then we had a commercial development for an office park which had substantial impact on the natural terrain. Sooner or later someone has to come to you with what you want, but I think in the plan, if nothing happens between now and the time that we adopt the plan, the plan should say to a developer what you want to, do you want all open space, don't come to Newington with a plan for it. If you are willing to entertain some development, compatible with the ridgeline, compatible with the traffic on East Cedar Street, you can put that in your plan. Right now the Plan of Development basically calls for open space up there. Calls it a commercial development park with open space, so you are telling developers, don't invest your money there.

The components that we are talking about tonight, Economic Development, Housing and Open Space are fairly inter-related, particularly housing and economic development, but I think the critical land use decisions, policy decisions are going to be your range of densities, which now go from a quarter acre to a half acre down to 4500 square feet per unit is what you can do in the town center. It's the highest density zone except for senior housing where they get a break for twenty units, twenty apartment units per acre. That's very unusual, that's restricted to age restricted housing.

Commissioner Pane: Ed, do you think we could make this plan, instead of 2006 to 2016, could we make it 2009 to 2019 because we, since this last plan, we've lost a few years and then when this got approved we would only have seven years, why, if we're going to all this trouble, why not take a full ten years and then use those three or four years in the interim of describing what progress has taken place and where we see things and use that information in here and then use this as a plan for 2009 to 2019. We get a full ten years out of it.

Ed Meehan: I don't, I was just following it chronological order. The statutes just say you have to adopt a ten year plan, it doesn't necessarily have to be in sequence. There are several communities in Connecticut that have never adopted a plan in the first place.

Commissioner Pane: Maybe we could put a note there that on those three years, you know, we have some information on where the town has come and gone, and, but this would be our plan for ten years, from 2009 to 2019. I just figured we would get a full ten years out of it.

Ed Meehan: Anything more about the language in here as far as policies and strategies? I know it's hard to get these out on the table, it's better probably to have a draft in front of you that you can react to, but I wanted to start with what we have and what we have accomplished and what we haven't accomplished for these particular strategies. For the most part I think the town has done pretty well, whether it's this Commission or the Town Council or Conservation Commission in addressing a lot of these strategies. I think it was a good working agenda, and the Commission did a lot by overhauling your zoning regulations once the plan was adopted back in '95. There was a major shift in the philosophy as far as density in the height of buildings from the '84 plan. It was a complete hundred and eighty degree turnaround. I don't know if you want to go back the other way or not. I think you probably shouldn't go back the other way. I think there is probably a medium area where you want to go.

Commissioner Pane: If we do go back, say in selected areas okay, we can also put special requirements for giving them that higher density.

Ed Meehan: Yeah, the carrot and the stick approach, where you have density bonuses if they do certain things, that's something you do often specifically in your zoning regulations, but you could set the criteria and guidelines in your Plan of Development. You could say, this is going to be a transit oriented area for mixed use development and if the development is of a certain size and provides a certain amount of units or square footage for commercial you will consider bonuses for reducing parking or more density or more height. That drives the economy of the development project. All these sites in Newington, particularly the sites that are going to be redeveloped, require a substantial amount of up-front money. We know just from the very narrow assessment, Brownfield assessment we did, we didn't go in and do phase one, just a couple of sites, but just the old corridor basically up from Cedar Street north up through Holmes Road, Day, Francis, back of Shepard Steel, the bridge company up at the end of Day Street, those sites have been around since the late 1800's, and there is going to be a substantial amount of work to recycle those and put those back into productive use, particularly if you want to reuse them for residential, where your higher environmental standards come in to play. So in the area of Spring Street and that area between Willard and the back of the Amtrack line where there's a lot of, there's some landscape companies in there, there's auto body shops in there, but there could be opportunities for re-using that area, as part of the busway and the rail line, that is going to require some environmental cleanup. That's going to cost money and money translates into density.

Commissioner Schatz: It amazes me how close some of this stuff came. I'm looking at this and saying, we have to have the same kind of call.

Chairman Hall: What I would like to see you do for next time is to come back with some ideas so that when we have our conversation next time it's with things that you all would like to see in the plan, and some ideas, think outside the box, think where we want to be, what kind of a mark do we want to make on this. So we will take about a half hour, forty-five minutes for the next couple of meetings to go over it.

Commissioner Schatz: Before you talked about the hospital property over there and what we could put in there and I said to somebody, if you had that piece of land, what would you like, and they had no idea. You know what I mean, you would want something that would compliment, as you said, the center of town.

Chairman Hall: We have to have a vision, we have to have a vision of what we want the town to look like within the next ten years, and remember, when we sit here and the developers come or the attorneys for the developers come, they often cite our Plan of Development and tell us, well, this fits into your Plan of Development so therefore why won't you give me the okay for it. So we have to be careful that we want to get in a spot and we want to get what we want in that spot because they will come back and kind of rub our noses in it, so to speak.

Ed Meehan: Also, if I can interrupt, keep in mind what you don't want. That can help us, you wouldn't write the plan in a negative way, but what you don't want, you could turn it around and put it in the plan in a positive way like, keep going back to the piece that Tom mentioned on Constance Leigh, we don't want a fractured development there. We don't want a guy coming in, an acre here, two acres there, so in the plan you may want to say that you want a master plan for that particular chunk of real estate. So you have an overall concept for the drainage, the traffic, the parking and so forth.

Commissioner Pane: That has been one of the problems because didn't somebody just come in for one chunk?

Ed Meehan: Yes, for Walgreen's.

Commissioner Pane: Be better, maybe divide it up into two sections, or something.

Ed Meehan: Well, we've got that clinical lab, it's a nice building, I guess, but does it belong in the middle of downtown Newington? It belongs probably up on Cottage Grove Road in Bloomfield, or something, in an industrial park. That's not really an urban building, but it provides employment, provides tax base, but if I had my druthers, I would rather put that off site in one of our industrial areas, and put Cedar Mountain Commons on the corner there, which is a really nice building.

Commissioner Pane: You've got Keeney, too.

Ed Meehan: Yeah,

Commissioner Pane: If you had the industrial parks back then there should been maybe an incentive could have been, move them into the Newington Industrial Park and then you would have opened up all that as the town center, so but I don't know how much of that kind of thing we could eliminate.

Ed Meehan: Is Keeney an efficient use of the town center? It's a major capital investment for them to try to relocate, but.....

Chairman Hall: Yeah, but will they be here ten years from now, that's the other thing and we have to take that into consideration. Yes we have this right now, but what if they decide to move

on, then we should have a plan as to what we want to have take over there, so that when the next person comes in, when that place becomes vacant, then we can say, well, this is what we expect to take over. Don't just take that building and assume that it is going to be the same type of a thing that is going to come in. So, we have a lot of thinking that we have to do on this. So please come back two weeks from now with your ideas, and this is an on-going process, it's not going to be finished next week.

All right, now we'll take Remarks from Commissioners?

Commissioner Schatz: I've got one, we own the National Welding Company.

Ed Meehan: Yes we do.

Commissioner Schatz: Do we own all those boxes down there too, all those trailer truck boxes?

Ed Meehan: I haven't seen those, when did they show up?

Commissioner Schatz: Well, they have been there for a while. The electricity is on.

Ed Meehan: In National Welding there is a squatter in the building, a guy who has been in that building since, for the last three years. It's RPK Excavating and he's been there, under the court agreement, he's has until the end of April to stay, and then he has to vacate.

Commissioner Schatz: There's at least a half a dozen trailer truck boxes down there.

Commissioner Pane: Maybe he's starting to move his stuff into trailer boxes so that he can.....

Chairman Hall: Like little pods, maybe he is filling them up to take them away.

Ed Meehan: He occupies the garage in the back. He had some equipment inside.

Commissioner Schatz: And a light he leaves on twenty-four hours a day out there.

Ed Meehan: He's been good and bad. He's been very helpful because he had some connection with the family and he knew a lot about the building and what went on in there, he was very helpful to the environmental engineers, but we want him out because if he brings something in and causes further contamination, we have no way of documenting it. Our phase three which was certified by our environmental guys was signed off back in August, and that is the bench mark that we have, so if he brings in contaminated soil, then he sticks us with it and we've got to clean it up.

Commissioner Schatz: How does he get in there, by Bob's?

Ed Meehan: Yeah, he takes the hard right down, he has a gate, he goes down.....

Commissioner Schatz; There's a gate there though isn't there?

Ed Meehan: Yeah, he's got the key to the gate, as do we.

Commissioner Schatz; I was just trying to figure out if he was coming in the other way.

Commissioner Casasanta: Change the lock.

Commissioner Pane: The court gave him until a certain time to move out.

Ed Meehan: That was the agreement, yeah. Well, actually it was through the Town Attorney's office. We could have gone through an eviction and spent a lot of time and money, or we could have said, okay, here's a reasonable, we took possession the end of September, so we'll give him time to get out, and we're not ready to put the Request for Proposal out for that site yet, because we haven't really come to a conclusion with the Department of Transportation and Mr. Hayes on how to get the driveway in there.

Commissioner Schatz; Somebody said to me, how come the lights are on down there? There's nobody there, how come the lights are on?

Chairman Hall: Now you know, there is.

Ed Meehan: He's in the back. We're trying to get up on the roof and change that.....

Chairman Hall: The taggers, I don't know how they ever did that, and nobody saw them?

XI. STAFF REPORT

None.

XII. ADJOURNMENT

Commissioner Schatz moved to adjourn the meeting. The motion was seconded by Commissioner Ganley. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary